

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF MICHIGAN
SOUTHERN DIVISION

KIM PRENTICE, et al.,

Plaintiffs,

Case No. 1:22-cv-170

v.

HONORABLE PAUL L. MALONEY

PERRIGO COMPANY,

Defendant.

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ORDER DISMISSING MOTION TO DISMISS AS MOOT

On May 27, 2022, Defendants Perrigo Company and Perrigo Research & Development filed a motion to dismiss the complaint pursuant to Fed. R. Civ. P. 12(b)(6) (ECF No. 8). On May 26, 2022, Plaintiffs filed a notice of voluntary dismissal of claims against Defendant Perrigo Research & Development (ECF No. 12). On May 27, 2022, Plaintiffs filed an amended complaint as a matter of course pursuant to Fed. R. Civ. P. 15(a)(1) (ECF No. 13). When filed, an amended complaint supersedes the original complaint, which becomes a nullity. *See Drake v. City of Detroit*, 266 F.App'x 444, 448 (6th Cir. 2008); *Klyce v. Ramirez*, 852 F.2d 568, 1988 WL 74155, at * 3 (6th Cir. July 19, 1998) (per curiam) (unpublished table opinion) (collecting cases from other circuits). An amended complaint filed after a motion to dismiss has been filed renders the motion to dismiss moot. *See Bancoult v. McNamara*, 214 F.R.D. 5, 13 (D.D.C. 2003) (“Because the original complaint now is superseded by the amended complaint, the court denies without prejudice all pending motions pertaining to the original complaint.”). Accordingly,

IT IS HEREBY ORDERED that the motion to dismiss the complaint (ECF No. 8) is
DISMISSED AS MOOT.

Date: May 27, 2022

/s/ Paul L. Maloney
Paul L. Maloney
United States District Judge